

1624

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 PTO/SB/21 (6-98)  
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/865,071	
	Filing Date	May 24, 2001	
	First Named Inventor	Bernard R. Neustadt et al.	
	Group Art Unit	1624	
	Examiner Name	John M. Ford	
Total Number of Pages in This Submission	3	Attorney Docket Number	CN01180K1

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ENCLOSURES (check all that apply)		
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Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Anita W. Magatti, Reg. No. 29,825
Signature	
Date	October 31, 2002

## CERTIFICATE OF MAILING

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Signature	Date <u>October 31, 2002</u>

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PATENT  
CASE CN01180K1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

-----X  
In re Application of: :  
Bernard R Neustadt et al :  
: :  
For Patent For: : Examiner: John M. Ford :  
Adenosine A2a Receptor Antagonists :  
: Art Unit: 1624 :  
Serial No.: 09/865,071 :  
-----X  
Filing Date: May 24, 2001 :  
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Schering-Plough Corporation  
Kenilworth, New Jersey 07033-0530

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

This is in response to the restriction requirement mailed October 3, 2002, a response to which is due November 3, 2002.

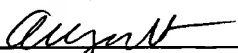
Six groups were identified in the official action: Group I, claims 1-10, drawn to compounds of formula I; Group II, claims 11-14, drawn to pharmaceutical compositions and method of use; Groups III, IV and V, claims 15, 16 and 17, respectively, drawn to process aspects; and Group VI, claim 18-20, drawn to complex compositions.

Applicants hereby provisionally elect Group I, with partial traverse. Applicants urge that along with the compound aspect of Group I, they are entitled to pursue claims to pharmaceutical compositions and at least one method of use. Claim 11 is drawn to pharmaceutical compositions comprising an effective amount of a compound of claim 1, regardless of the disease treated. Claim 12 is a broad method claim to CNS diseases in general and stroke, while

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**Anita W. Magatti**

Registered Representative

  
Signature

10/31/02  
Date

claim 13 identifies three types of CNS diseases, and claim 14 further narrows the CNS diseases to three specific neurodegenerative diseases. With the possible exception of a distinction between treatment of CNS diseases and treatment of stroke, claims 12-14, therefore, are not all drawn to multiple methods, but to increasingly specific methods of treatment. If CNS diseases and stroke are considered patentably distinct, applicants would be willing to elect the treatment of CNS diseases for prosecution in this application.

Applicants respectfully request, therefore, that Group I and Group II (at least in part) be examined together.

Respectfully submitted,



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